

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

OREGON NATURAL DESERT ASS'N,

Plaintiff,

Case No. 3:09-cv-369-PK

v.

OPINION AND ORDER

KENNY McDANIEL, Burns District  
Manager, BLM, et al.,

Defendants,

and

HARNEY COUNTY,

Defendant-Intervenor.

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PAPAK, Judge:

Plaintiff has established that a significant change in facts warrants revision of the existing preliminary injunction (#160, #175, #197, #198). Accordingly, plaintiff's Motion to Modify Injunction and/or Motion for Preliminary Injunction (#219) is GRANTED AS FOLLOWS: the

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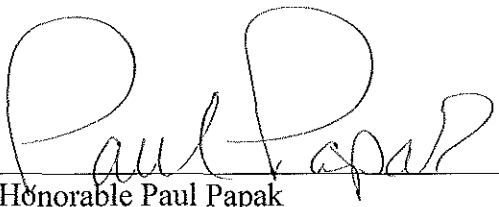
Federal defendants are prohibited from authorizing, allowing, or carrying out motorized travel or mechanical maintenance on all Obscure Routes within the Steens Mountain Comprehensive Management and Protection Area ("CMPA"), save for the limited use of 11 routes, totaling 5.78 miles, as outlined on pages 8–11 of Defendants' Proposed Order (#234),<sup>1</sup> pending the court's decision on the merits of plaintiff's claims.

IT IS FURTHER ORDERED THAT: the parties shall confer and report to the court within 30 days following the date that the Department of the Interior's Steens Mountain Comprehensive Recreation Plan becomes effective, see 43 C.F.R. §§ 4.21, 4.403, with a recommended schedule for cross motions for summary judgment and any other necessary pleadings or motions.

The bond in this public interest litigation is waived. *See People ex rel. Van De Kamp v. Tahoe Reg'l Planning Agency*, 766 F.2d 1319, 1325–26 (9th Cir. 1985). Nothing in this order is intended to limit the Bureau of Land Management's authority to travel throughout the CMPA for administrative purposes or to respond to an emergency. 16 U.S.C. § 460nnn-22(b)(2)(A).

Further, Plaintiff's Motion to Enforce (#219) is DENIED as moot. Additionally, Plaintiff's Motion to Strike (#237) is DENIED.

Dated this 5th day of June, 2015.

  
Honorable Paul Papak  
United States Magistrate Judge

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<sup>1</sup> Those routes are numbered: OR-02, OR-09, OR-15, OR-18, OR-21, OR-23, OR-25, OR-32, OR-34, OR-36, and OR-38. This court acknowledges and adopts the conditions Defendants placed on their proposal to open those routes in a limited capacity.